

FILED

FEB 14 2012

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,) No. CR 12-00047 PJH (DMR)
Plaintiff,) No. CR 4-12-70017 MAG (DMR)
v.) DETENTION ORDER
DARIUS WILLIAM LI CHUNG,)
Defendant.)

I. DETENTION ORDER

Defendant Darius William Li Chung is charged in an indictment with the following violations of federal law: 21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(vii) (manufacture 100 or more marijuana plants); 21 U.S.C. §§ 841(a)(1) and (b)(1)(D) (possession with intent to distribute marijuana); 21 U.S.C. § 856 (maintaining a drug-involved premises); 18 U.S.C. § 922(g)(1) (felon in possession of firearms and ammunition); and 18 U.S.C. § 924(c)(1)(A)(i) (possession of a firearm in relation to a drug trafficking crime). Mr. Chung is also charged in an indictment pending in the Northern District of Alabama. That indictment charges Mr. Chung with violations of 21 U.S.C. § 846 (conspiracy to distribute marijuana); 21 U.S.C. § 841(a)(1) (distribution of

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1 marijuana); and 21 U.S.C. § 843(b) (use of a communication facility to commit a felony).

2 The United States moved for Mr. Chung's detention in both matters, and asked for a
3 detention hearing as permitted by 18 U.S.C. § 3142(f). Pretrial Services prepared a full bail
4 study. On February 2, 2012, counsel jointly requested a postponement of the detention hearing in
5 order to engage in discussions that included prosecutors in the Northern District of Alabama. On
6 February 14, 2012, Defendant submitted the matter, and waived the timing of his right to proffer
7 information in support of his pretrial release. *See* 18 U.S.C. § 3142(f) (a defendant has the right
8 at a section 3142(f) hearing, with the assistance of counsel, to testify, to present witnesses, to
9 cross-examine adverse witnesses, and to present information by proffer or otherwise).

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13 II. CONCLUSION

14 Based on the information currently available, the court finds clear and convincing
15 evidence that Mr. Chung presents a danger to the community, and that no condition or
16 combination of conditions in 18 U.S.C. § 3142(c) will reasonably assure the safety of any other
17 person or the community. 18 U.S.C. § 3142(e) and (f); *United States v. Motamedi*, 767 F.2d
18 1403, 1406 (9th Cir. 1985). Because Defendant waived the timing of his right to present
19 information under 18 U.S.C. § 3142(f) without prejudice, the Court orders that the hearing may
20 be rescheduled at Defendant's request.

21 Mr. Chung shall remain committed to the custody of the Attorney General for
22 confinement in a corrections facility separate, to the extent practicable, from persons awaiting or
23 serving sentences or being held in custody pending appeal. Defendant shall be afforded
24 reasonable opportunity for private consultation with counsel. On order of a court of the United
25 States or on request of an attorney for the Government, the person in charge of the corrections
26 facility in which Defendant is confined shall deliver Defendant to a United States marshal for the
27 purpose of an appearance in connection with a court proceeding.

1 IT IS SO ORDERED.
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4 DATED: February 14, 2012
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DONNA M. RYU
United States Magistrate Judge